IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
C.W.P. No: 1268 of 2006

Date of decision: 28.12.2006

Anil Kumar **Petitioner**

Versus

B.B.M.B. and others **Respondents**

Coram

The Hon'ble Mr. Justice Deepak Gupta, Judge.

The Hon'ble Mr.Justice Surinder Singh, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr.Subhash Sharma, Advocate

For the Respondents: Mr.N.K.Sood, Advocate

Per Deepak Gupta, J.

It is not in dispute that previously the petitioner had filed writ petition No. 1352 of 2006, titled as Anil Kumar Vs. B.B.M.B before the Punjab and Haryana High Court at Chandigarh in which the said High Court passed an order on 30.1.2006 whereby a direction was given to the respondents in the writ petition to take a decision on the legal notice issued by the petitioner by passing a speaking order within a period of 2 months from the receipt of the certified copy of the order of the court.

Thereafter the B.B.M.B. rejected the claim of the petitioner and the petitioner aggrieved against the

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[1] ***Whether the reporters of the local papers may be allowed to see the Judgment?***

order passed by the B.B.M.B. on 10.4.2006 filed CWP No. 14324 of 2006 before the Punjab & Haryana High Court. This matter came up before the said court on September 2, 2006 on which date the learned counsel for the petitioner appearing before the Punjab & Haryana High Court requested that the petition may be returned to him so as to enable him to present it before this court. The Punjab & Haryana High Court directed that the petition be returned to the petitioner. Thereafter the present petition has been filed.

On the last date we had directed the respondents to file a short reply in which they were to only state whether they had raised any dispute before the Punjab & Haryana High Court with regard to the jurisdiction of the said High Court to hear the matter. This affidavit has been filed and in the said affidavit it has been stated that in fact no notice of CWP No.14324 of 2006 was ever received by the respondents and, therefore, the question of raising any objection of jurisdiction does not arise.

There is no dispute with regard to the fact that the headquarters of the B.B.M.B. are situated at Chandigarh and, therefore, the High Court of Punjab & Haryana at Chandigarh has jurisdiction to hear the matter.

In fact, previously the said High Court had passed orders on the petition filed by the petitioner. Learned counsel for the petitioner sought return of the petition of his own accord.

The Apex Court as well as this court have always deprecated the practice of forum hunting. It is obvious from the facts narrated above that in all probability the Judges hearing the matters in Punjab & Haryana High Court were not agreeing with the counsel for the petitioner and, therefore, request for return of the petition was made. It is not a case where the Punjab & Haryana High Court lacked jurisdiction to hear or decide the matter. Therefore, we are not at all inclined to entertain the present petition after the petitioner had approached the Punjab & Haryana High Court. We do not want to encourage this unhealthy practice of forum hunting.

The petition is dismissed.

(Deepak Gupta),J.

December 28, 2006(K) (Surinder Singh),J.